

## **REMARKS**

Applicants have carefully reviewed the Final Office Action mailed September 27, 2007 prior to preparing this paper. Currently, claims 1-11 and 33-38 are pending in the application, wherein claims 1-11 and 33-38 have been rejected. Claims 1, 6, 33 and 35 have been amended with this paper. Support for these amendments may be found, for example, at lines 8-10 of page 4 and lines 7-8 of page 6. No new matter has been added. Favorable consideration of the above amendments and following remarks is respectfully requested.

Claims 1-11, 33 and 34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dobak III et al., U.S. Patent No. 6,245,095 (hereinafter "Dobak"). Applicants respectfully traverse this rejection.

As currently amended, each of claims 1 and 6 includes a recitation to an elongate core member having at least a portion which has a solid, non-hollow cross section taken perpendicular to the longitudinal axis of the elongate core member. Each of claims 1 and 6 further recites a polymer jacket having a helical groove formed in the outer surface of the polymer jacket which is affixed to the core member.

Applicants respectfully assert Dobak fails to teach at least these limitations of claims 1 and 6. In reviewing the teachings of Dobak, it appears as though the inner tube 42 of the device disclosed in Dobak is a tubular member not having a solid, non-hollow cross-section taken perpendicular to the longitudinal axis of the inner tube 42. As evidenced at FIG. 4 of Dobak, the inner tube 42 includes an inner lumen 40 for the passage of a fluid through the inner tube 42. It follows that, if the inner tube 42 were to have a solid, non-hollow cross-section, the device disclosed in Dobak would become inoperable for its intended purpose. Namely, as evidenced by the arrows in Figure 3 of Dobak, the inner tube 42 requires an inner lumen 40 such that "a working fluid such as saline or other aqueous solution may be circulated through the heat transfer element 14." See Dobak, column 10, line 67 through column 11, lines 10.

In reviewing the rejection of claim 33, which previously expressly recited a solid, non-hollow elongate core member, it appears as though the Examiner is relying on Dobak's teaching that the cooling catheter including the heat transfer element 14 may be placed into a carotid artery via a guidewire. (See column 14, exemplary procedure step 11). Thus, it appears as though the rejection is based on the assumption that the guidewire briefly discussed in Dobak is

being equated to the claimed elongate core member. In the event a similar analysis were suggested for rejecting claims 1 or 6, it is noted that each of claims 1 and 6 recites that the polymer jacket having a helical groove formed therein is affixed to the elongate core member. It is apparent that the guidewire mentioned at line 60 of column 14 of Dobak is not affixed to the heat transfer element 14. Instead, the cooling catheter including the heat transfer element 14 would need to be slidable along the guidewire in order to advance the cooling catheter into a carotid artery over the guidewire.

For at least these reasons, Dobak fails to anticipate either of claim 1 and claim 6. Claims 1 and 6, as well as claims 2-5 and 7-11 which depend from one of claim 1 and claim 6 and include additional significant limitations, are believed to be in condition for allowance. Withdrawal of the rejection of these claims is respectfully requested.

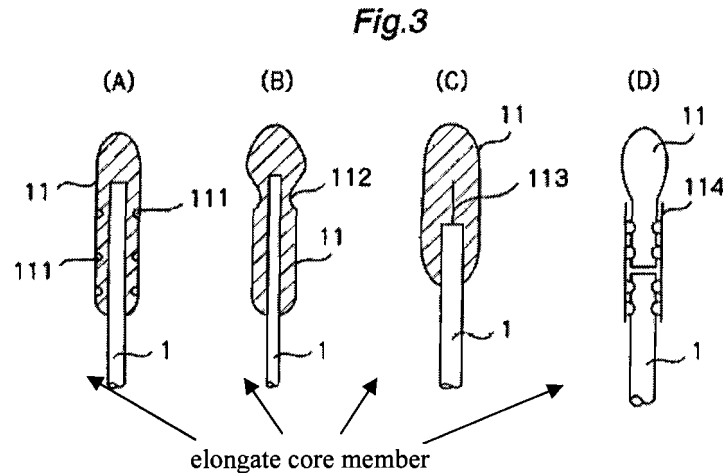
Claim 33, as currently amended, recites that the polymer jacket having a helical groove formed therein is affixed to the solid, non-hollow elongate core member. As discussed above, it appears as though the Examiner is attempting to equate the guidewire mentioned at column 14, line 60 of Dobak with the claimed solid, non-hollow elongate core member of claim 33. It is apparent that the guidewire mentioned at line 60 of column 14 of Dobak is not affixed to the heat transfer element 14. Instead, the cooling catheter including the heat transfer element 14 would need to be slidable along the guidewire in order to advance the cooling catheter into a carotid artery over the guidewire.

For at least these reasons, Dobak fails to anticipate claim 33. Claim 33, as well as claim 34 which depends from claim 33 and includes additional significant limitations, is believed to be in condition for allowance. Withdrawal of the rejection of these claims is respectfully requested.

Claims 35-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dobak III et al., U.S. Patent No. 6,245,095, in view of Katsumoto et al., U.S. Patent No. 7,070,605 (hereinafter "Katsumoto"). Applicants respectfully traverse this rejection, asserting a *prima facie* case of obviousness has not been established.

In formulating the rejection of claim 35, it was asserted that Dobak discloses the invention substantially as claimed, but does not disclose that the guidewire has a tapered distal end. The rejection appears to rely on the teachings of Katsumoto for teaching a guidewire having a tapered distal end. Applicants respectfully disagree with the characterization of what Katsumoto teaches.

It is noted that claim 35 recites that it is the elongate core member of the medical guidewire which includes a tapered diameter portion. FIG. 3 of Katsumoto, which shows several variations of a distal tip 11 secured to the elongate core member 1 of a guidewire, is reproduced below.



As shown in FIG. 3, the elongate core member 1 is of a constant diameter and does not include a tapered portion as recited in claim 35. For at least this reason, Applicants assert a *prima facie* case of obviousness has not been established at least because each and every limitation of claim 35 is not taught by the cited combination.

Furthermore, it is unclear as to how the guidewire tip 11 as taught in Katsumoto is to be combined with the teachings of Dobak. Is it the Examiner's opinion that the guidewire tip 11 of Katsumoto be combined with the cooling catheter including the heat transfer element 14 of Dobak, or is it the Examiner's opinion that the guidewire tip 11 of Katsumoto be combined with the guidewire briefly mentioned at column 14, line 60 of Dobak?

Regardless, Applicants assert that no combination of the teachings of Dobak with the teachings of Katsumoto would be sufficient to render the medical guidewire of claim 35 obvious. Withdrawal of the rejection is respectfully requested.

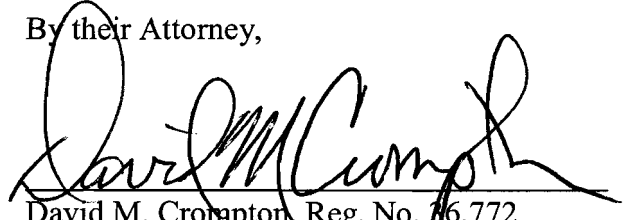
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Brian R. Reynolds et al.

By their Attorney,

Date: 11/27/07

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

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